HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 14872 of 2007

Dated 24th August 2007

Between:

Rajesh Magapu,
Rep by Father & Natural Guardian Venkata
Satyanarayana Rao,
Srinivasa Colony (West),
S.R.Nagar, Hyderabad.

.....Petitioner.

and

The Regional Passport Officer,
Regional Passport Office,
Hyderabad,
Near Prashanth Theatre,
Secunderabad.

.....Respondent.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 14872 of 2007

ORDER:

The petitioner herein was issued a passport bearing No.A5181269 on 20-3-1998 when he was about seven year old. Subsequently, it was noticed that his date of birth was wrongly mentioned in the passport as 08-9-1991 instead of 09-9-1991.

In the circumstances, while applying for renewal of his passport, the petitioner has also sought correction of his date of birth as 08-9-1991 instead of 09-9-1991. In support of his claim, the petitioner submitted the certificate issued by the Council for the Indian School Certificate Examinations, New Delhi as well as the birth certificate issued by the Municipal Corporation Hyderabad. However, the respondent returned the petitioner's application for renewal with an endorsement dated 4-7-2007 to obtain a Court order. Hence this writ petition.

I have heard the learned counsel for the petitioner

and perused the material on record.

Despite service of notice by Registered Post, which was delivered on 17-7-2007, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of external Affairs, issued circular dated 18.4.2001, which reads as under:

> "(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
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> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in

Ali Imran v. Regional Passport Officer, Secunderabad[1] held that as per the circular dated 18.4.2001, it is permissible to accept the application for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad.**[2]

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to resubmit the application together with all relevant supporting material within a period of two weeks from the date of receipt of this order. On receipt of such application, the respondent is directed to consider the application of the petitioner for renewal of passport as well as correction of date of birth in the passport and pass appropriate orders in terms of the circular dated 18.4.2001, within a period of four weeks thereafter. No costs.

(G.ROHINI, J)

Dated: 24th August 2007

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[1] 2003 (3) ALD 625;

[2] 2004 (6) ALD 360.